



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
March 9, 2021**

CALL TO ORDER

The meeting was called to order at 6:30 pm by Chair Adams.

Due to the COVID-19 health pandemic, the Long Lake Planning Commission attended the meeting telephonically pursuant to Minn. Stat. 13D.021.

Present: Chair: Roger Adams; Commissioners: John Hughes, Virginia See, Anita Secord, and Steve Keating; City Council Member/Liaison: Mike Feldmann

Staff Present: City Administrator: Scott Weske; Planning Consultant: Hannah Rybak; City Engineer: Alex Mollenkamp

Absent: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner Keating moved to approve the agenda as presented. Commissioner See seconded. Ayes: all by roll call.

CONSENT AGENDA

- A. Minutes of the February 9, 2021 Planning Commission Meeting

Commissioner See moved to approve the Consent Agenda as presented. Commissioner Secord seconded. Ayes: all by roll call.

OPEN CORRESPONDENCE

No one appeared to address the Planning Commission during Open Correspondence, and no written comments were received to be read aloud by staff.

BUSINESS ITEMS

- A. Public Hearing: Planning Case #2021-01/Request for Approval of a Preliminary and Final Plat for Luce Line Woods to be Located at 915 Wayzata Boulevard W (Applicant: Joseph Houghton, Subdividing Existing Lot into 2 Lots)

Planning Consultant Rybak presented an overview of the request for a subdivision of the existing lot at 915 Wayzata Boulevard W into two lots. She reported that the current zoning of the property is R-1 and the future land use guidance is for low density residential. She

indicated that the existing home would remain on one lot and the new lot would be developed for a single-family home with the existing driveway expanded in order to serve both properties as a shared drive. She reviewed both preliminary and final plat information as well as the grading and utility concept plan as proposed. She stated that the size of both of the proposed lots would be more than triple the minimum lot size requirement of 10,000 square feet and would also be over 100 feet wide which far exceeds the R-1 minimum lot size requirements. She noted that a tree inventory has been provided however the precise location of the future home on the lot to be created has not yet been decided. Staff estimates that they will need to remove at least 11 trees and are recommending a condition that trees be replaced at a 1:3 ratio.

City Engineer Mollenkamp summarized the engineering considerations related to sanitary sewer and water services. She explained that the proposed drainage contours have been reviewed and they do not appear to be significantly altered by the proposed subdivision. The sanitary sewer serving the new lot will be longer than typical and will be the solid responsibility of the property owner. Similarly, the water service is also longer than typical and the applicant should consider upsizing in the interest of making sure the home has adequate volume or flow. She reviewed additional engineering considerations such as documenting existing wells, the requirement of an erosion control plan, and the need for submittal of other necessary documents. She added that there are additional required permits needed from outside agencies that will be the responsibility of the applicant.

Rybak reviewed the general and overall requirements for consideration of both Preliminary and Final Plat. Staff is recommending approval, subject to 11 conditions. She pointed out that the Commission packet only shows 10 conditions and reviewed the additional condition that staff is recommending. She explained that while doing a drive-by of the property, staff observed quite a few zoning violations that included a number of accessory structures on the lot where the code only allows up to two as well as some large brush piles. She stated that these are minor code enforcement issues, but they would need to be resolved prior to recording of the plat.

Mike Oleksa, 206 Lindawood Lane, asked how the easement for the sanitary sewer would affect his lot. He asked if his yard would be dug up in order to access it.

Rybak noted that the Commission should officially open the public hearing before proceeding.

City Administrator Weske explained that this is the time of the meeting during which the Commission discusses and asks questions prior to opening the public hearing and taking public comment.

There being no further Commission discussion, Chair Adams opened the public hearing at 6:46 pm.

Mike Oleksa, 206 Lindawood Lane, repeated his question and asked how the sewer would be accessed because it backs into his property.

Mollenkamp explained that the existing utilities that cross into his lot are from the home that is already in place. She stated that they already exist and they just need to make sure that there is an access and maintenance easement over the top of them. She indicated that she

has heard that there may be an easement already but she has not received full documentation yet. She clarified that what it means for Mr. Oleksa is that the City would want to make sure that he is included in the easement, but those services and pipes are not proposed to be dug up or relocated and would stay just how they are. She added that they just want to make sure that the property owner will have access to them if something would need to be replaced or inspected.

Commissioner Keating inquired about the location of this lot.

Chair Adams stated that is straight north across the Luce Line from the Trails of Orono site.

Samantha Exsted, 920 Wayzata Boulevard W (Orono), questioned how wide the Luce Line Trail is and how close the new property will come to the Luce Line. She expressed concern about the proposed subdivision setting a precedent for properties getting close to the Luce Line.

Rybak responded that the side yard setback is 10 feet and noted that there is not an additional setback requirement because of the trail. She indicated that her estimate would be that the home would be about 40 feet from the trail.

Ms. Exsted reiterated that she felt that proximity would set a new precedent. She stated that they chose the area because of the open lots and spacing as well as nature and people being mindful of nature. She stated that the precedent being set that anyone can just split their lot and cut down 15 pine trees concerns her. She stated that a 1:3 ratio does nothing for pine trees that have been there for many years, voiced her concern about land usage, and reiterated her concern about the precedent this would set within the City.

Chair Adams stated that he appreciated the concerns she expressed because this is a wonderful community with great resources, but at the same time, what governs what someone can do with property they own is embedded in the zoning laws and codes. He pointed out that these proposed lots significantly exceed the minimum size for the zoning district and a home could easily be put on the new lot and meet all code requirements. He stated that there would not be a precedent set if this is approved and the subdivision would just be following the City zoning code.

Ms. Exsted asked if there was any conversation that could be had about changing those requirements on how the City can maintain larger lot sizes or prevent everyone from subdividing their land. She stated that she really feels that would change the community.

Chair Adams stated that would be a difficult conversation and noted that the Planning Commission may not be the correct forum for that conversation. He noted that the City Council would be a better place to hold that type of conversation. He added that, in his opinion, that would run against basic legal principals from the founding of the country as it relates to personal property rights.

Commissioner See commented that the Planning Commission is pretty restricted in their guidelines as to how they are allowed to operate. She noted that while they personally may dislike something, they have to follow the guidelines that have been given in zoning code. She suggested that Ms. Exsted get involved in the community because she obviously cares deeply about what happens. She added that if she gets involved, she can learn how to

operate within the set government regulations in order to promote the environmentalism that she cares about.

Chair Adams stated that he agreed with Commissioner See and did not intend to discourage Ms. Exsted, but the Planning Commission is what is considered a quasi-judicial body which means they have to follow what is written in the City zoning code.

Commissioner Secord commented that they also swore an oath to uphold the Constitution of the United States as well as the Constitution of the State of Minnesota in their decision making.

Ms. Exsted clarified that she did not mean to imply that people could not choose to do what they wished with their own property, but she is thinking about how land use and taking care of the environment can play into that piece. She reiterated that by no means did she want to be misinterpreted as saying that people could not do what they wanted with their property.

There being no additional public input, Chair Adams closed the public hearing at 6:57 pm.

Commissioner Keating moved to recommend the City Council approve Resolution No. 2021-01, approving the Preliminary and Final Plat for Luce Line Woods to be located at 915 Wayzata Boulevard W, subject to the conditions as outlined in the Resolution and staff report. Commissioner Secord seconded. Ayes: all by roll call.

B. Update on Status of 2040 Comprehensive Plan

Rybak explained that the City had submitted the 2040 Comprehensive Plan to the Metropolitan Council, however, because of some errors that were corrected and changes that were made to the proposed 2040 Land Use Map, the changes triggered the need for an official amendment to the Plan. She clarified that this means a public hearing will need to be held on the amendments, adding that staff is confident that the Comprehensive Plan is now correct and this will just be a small delay. She stated that the public hearing will be held at the April Planning Commission meeting.

OTHER BUSINESS

A. Council Liaison Report

Council member Feldmann gave an overview of the recent Council and EDA meetings and discussions.

B. Commission Member Business

No other Commission member business was discussed.

C. Staff Business

No other staff business was discussed.

ADJOURN

Hearing no objection, Chair Adams adjourned by general consent at 7:06 pm.

Respectfully submitted,

Scott Weske
City Administrator